

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

(E-Filed: April 30, 2007)

UNPUBLISHED

GREGORY RIDDICK,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Respondent.

No. 99-643V

Unopposed Attorney's Fees
and Costs

ORDER AND DECISION¹

____ Petitioner, Gregory Riddick, filed this action alleging that he has suffered certain injuries as a result of receiving a vaccination. He sought an award under the National Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program² (the Act or the Program). 42 U.S.C. §§ 300aa-1 to -34 (2000 & Supp. II 2003). Accordingly, the undersigned awarded petitioner compensation by unpublished Decision dated April 3, 2007. On April 25, 2007, the parties filed a Joint Notice Not to Seek Review.

¹ Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless the decisions contain trade secrets or commercial or financial information that is privileged or confidential, or the decisions contain medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. Within 14 days of the filing of a decision or substantive order with the Clerk of the Court, a party may identify and move for the redaction of privileged or confidential information before the document's public disclosure.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2000 & Supp. II 2003) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

On January 5, 2007, petitioner filed Petitioner's Application for Fees & Costs ("P. App.") requesting \$23,575.00 for attorneys' fees, \$364.91 for costs borne by petitioner's counsel, and \$120.00 for costs borne by petitioner. P. App. at 1, 2. Petitioner's application included supporting documentation showing the nature of the costs incurred and the time that petitioner's counsel expended for particular tasks in this case.

On January 26, 2007, after discussions with respondent's counsel, the parties filed a Joint Status Report (J. Rep.) with petitioner's amendments to his fees and costs petition. In this status report, which is functionally an amended fees and costs request, petitioner's counsel requested \$23,490.00 for attorneys' fees, \$364.91 for costs borne by petitioner's counsel, and \$120.00 for costs borne by petitioner. Respondent "does not object to an award in this amount." J. Rep. ¶ 5.

III. Conclusion

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioner's request and on respondent's counsel's lack of objection to petitioner's counsel's amended fee request, the undersigned **GRANTS** Petitioner's Application for Fees and Costs filed on January 5, 2007.

The undersigned awards petitioner's counsel \$23,490.00 in fees and \$364.91 in costs. The undersigned awards petitioner's costs in the amount of \$120.00. The total award is summarized as follows:

I. Attorney Fees

Ron Homer	\$23,490.00
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II. Costs:

Petitioner's Counsel's Costs	\$364.91
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Petitioner's Costs	\$120.00
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III. Total Fees and Costs	\$23,974.91
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The clerk **SHALL ENTER JUDGMENT** for \$23,974.91. The award shall be made in the form of two checks. The first check shall be made payable jointly to petitioner and Conway, Homer & Chin-Caplan, PC, in the amount of \$23,854.91. The second check shall be made payable to petitioner in the amount of \$120.00. In the

absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.³

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Special Master

³Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.